

CHARGE: 402(a)(3)—when shipped, contained *Drosophila* fly eggs and maggots.

DISPOSITION: 12-10-62. Default—destruction.

28680. Pizza sauce (tomato product). (F.D.C. No. 48307. S. No. 46-268 V.)

QUANTITY: 5,823 cases, each containing 6 6-lb. 9-oz. cans, at Joplin, Mo.

SHIPPED: Between 5-2-62 and 6-8-62, from Escalon, Calif.

RESULTS OF INVESTIGATION: Examination showed that the article was undergoing chemical decomposition.

LIBELED: 10-10-62, W. Dist. Mo.

CHARGE: 402(a)(3)—contained a decomposed substance while held for sale.

DISPOSITION: 11-28-62. Default—destruction.

28681. Pizza sauce (tomato product). (F.D.C. No. 48267. S. No. 40-215 V.)

QUANTITY: 261 cases, each containing 6 cans, at Mount Vernon, N.Y.

SHIPPED: 9-21-62, from Vineland, N.J., by La Primadora Food Products, Inc.

LABEL IN PART: (Can) "La Parisina Brand Net Weight 6 Lbs. 6 Oz. Italian Style Pizza Sauce * * * Distributors Parisi Bros., Inc., Mt. Vernon, N.Y."

LIBELED: 11-2-62, S. Dist. N.Y.

CHARGE: 402(a)(3)—contained insect parts, *Drosophila* fly eggs, and maggots; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 12-17-62. Default—destruction.

NUTS AND NUT PRODUCTS

28682. Frozen coconut. (Inj. No. 422.)

COMPLAINT FOR INJUNCTION FILED: 12-27-61, N. Dist. Ga., against Coral F. Campbell, t/a Convenient Foods Co., Atlanta, Ga., and Graham S. Hasty, plant manager.

CHARGE: The complaint alleged that the defendants were engaged in the business of preparing both retail and institutional sized packages of frozen coconut from (1) a bulk supply of imported partially grated frozen coconut and (2) raw whole coconuts; that essentially, the process consisted of peeling raw whole coconuts, with subsequent washing in plain water, grinding, packaging, and freezing the coconut meat; that the bulk frozen coconut, consisting of 15-pound blocks of partially shredded coconut meat, was imported from the firm's plant in Kingston, Jamaica; and that such bulk coconut was subjected to further regrinding, packaging, and freezing at a plant in Atlanta, Ga.

It was alleged further that an inspection on 9-29-61, and 10-2-61, by inspectors of the Food and Drug Administration disclosed that coconut meat was being handled and processed under extremely insanitary conditions; that the inspectors reported that the plant itself was an old, somewhat dilapidated, concrete-block building with most of the windows devoid of glass, and with some openings closed with cardboard or loosely fitting wood boards; that many holes and cracks in the structure were noted by the inspectors; that these permitted the entrance into the plant of rats, field mice, small animals and insects, e.g., on two separate occasions live rats were seen in the plant, and thousands of rodent droppings were noted throughout the entire plant, including the immediate vicinity of the manufacturing area; that flies moved freely from such filth as dog excreta immediately outside the plant, from rodent excreta inside the plant, and from other filth, to the exposed coconut meats;

that old, encrusted coconut residue was seen by the inspectors on equipment surfaces, walls, and floors; and that some of this material was noted falling into the freshly prepared product prior to packaging.

It was alleged further that at the termination of the inspection, the following specific objectionable conditions were listed in writing and were discussed with the defendants, namely:

1. Unscreened door in north wall of manufacturing room opening to outer driveway, remained open throughout the inspection. Over 50 flies were seen in the immediate area of the doorway.
2. All employees in the manufacturing area, 9 female and 3 male, without head covering of any kind.
3. One live rat was seen on two separate occasions in the area of the empty box storage room. This area opens directly into manufacturing room.
4. Peeled, unwashed, raw coconuts allowed to remain in uncovered metal containers; washed, raw coconut halves remain in uncovered wire baskets prior to grinding; frozen, grated coconut allowed to remain in uncovered metal pans prior to packaging.
5. Six live green flies were seen crawling on the surface of peeled, unwashed, raw coconuts in metal containers.
6. In at least 3 instances live flies were seen crawling on the surface of frozen, grated coconut ready for packaging.
7. An estimated 500 rat excreta pellets were on the floor in the southwest corner immediately behind the freezer. At least 75 rat excreta pellets were on the floor in the southeast corner of the same room (manufacturing room). Hundreds of additional rat excreta pellets were noted along the bases of the north and south walls of the same room.
8. Sugar noted stored in an uncovered metal container; one dead fly was found lying on the surface of this sugar.
9. Accumulations of encrusted coconut particles and unidentified debris noted on the following:
 - (a) On framework of wheeled racks used to hold uncovered pans of frozen, grated coconut ready for packaging.
 - (b) Under and around the edges of the metal drain on which wire baskets of washed, peeled, coconut halves are held prior to grinding.
10. In the southeast corner of the manufacturing room concrete floors broken and filled with debris. Stagnant water, encrusted accumulations of coconut particles, in accumulated floor filth up to one inch in depth in an area estimated 6 feet by 3 feet in size at this point. Foul smell permeates entire area of manufacturing room. At least 24 live *Drosophila* flies, at least 12 unidentified live moths, and live unidentified insect larvae noted on and around the floor and walls in this area.
11. One live honey bee on the window on the north side of the manufacturing room in the area of the metal drain for washed, peeled, coconut halves.
12. An estimated 2' x 4' drain at floor level in southeast corner of manufacturing room; drain opens into adjoining dirt-floored "junk" room about 2 feet above ground level. Countless thousands of rat excreta pellets were noted throughout piles of accumulated burlap bags, rubber tires, wire, wooden boxes, empty soft-drink bottles, etc., in this "junk" room. At least 6 rodent burrows were noted in ground in southeast corner of this room. This room is constructed of sheet metal with holes opening to the outside; one ill-fitting door in the north wall noted to have 3 feet long crack at its base tapering from an estimated 1/2" to an estimated 3 1/2" in height; about a 2' high open-

ing exists all along the length of the same door at its top; and an approximate 2' diameter opening was noted in the southeast corner of the room where sheet metal is bent. Foul odor and accumulations of damp, coconut residue and other filth were present in south half of this room.

13. At least 10 rat excreta pellets in each of 3 locations in one box storage room and at least 10 more in 1 location in another box storage room.

14. One dead unidentified adult beetle noted on wooden floor of one box storage room.

15. Window pane broken out in window leading to outside of toilet, the door to which remained open during the inspection except when toilet was in use. Door to this toilet only about 10 feet from manufacturing area.

16. One of 2 toilets had no soap available for employees' use; female employees observed packaging coconut with their bare hands.

17. Unprotected fluorescent light fixture overhead of uncovered pans of frozen grated coconut ready for packaging. Particles of broken glass—apparently soft drink bottles—on wooden platform holding unused coconut peeling machine along south wall of manufacturing room.

18. Dense vegetation—over 3 feet in height in most places—along and against entire south wall of building exterior.

19. Dog excreta on concrete on exterior at east end of "junk" storage room with at least 36 ants crawling over it and entering the building beneath the sheet metal wall.

It was alleged further that during this inspection, the inspectors collected samples of the raw, imported coconut, whole coconuts, and finished product in various sized packages; that, in addition, samples of the finished product were collected from interstate shipments made to Greenville and Columbia, S.C.; that this product was produced during the week of the inspection; and that laboratory analysis of these samples disclosed the following results:

(a) Coconut meat, removed from whole coconuts in the laboratory, revealed such coconut meat to be commercially sterile, that is, no coliform, no salmonella, and no staphylococcus organisms were found and with only a total bacterial count ranging from 10 to 37 organisms per gram.

(b) Shredded bulk coconut, originally prepared at the firm's plant in Kingston, Jamaica, disclosed coliform organisms ranging from 430 to 11,000 per gram, coagulase positive staphylococcus, salmonella organisms and total bacterial counts ranging from 310,000 to 610,000.

(c) Samples of the finished product collected at the Atlantic Company Warehouse, Atlanta, Ga. (stored to the account of Convenient Foods Company), showed the presence of coliform organisms ranging from 390 to 4,600 per gram; staphylococcus organisms and total bacterial counts all over 3,000,000 per gram.

(d) Samples of the finished product collected from interstate shipments made by defendants to Greenville and Charleston, S.C., and Charlotte, N.C., revealed the presence of fecal *E. coli*, food poisoning strains of salmonella organisms, and total bacterial counts running as high as 3,000,000 to 4,000,000 organisms per gram.

It was alleged also that the finished coconut product processed at the Piedmont Avenue plant of the defendants and stored elsewhere in Atlanta, Ga., consisted more or less of the following:

(a) 1,832 cases, each containing 12 4-oz. pkgs. labeled in part "Tropic Isle Fresh Coconut Frozen Grated—Fresh Coconut Grated as you would prepare at home—Convenient Foods Company, Atlanta, Ga."

(b) 693 cases, each containing 12 9-oz. pkgs. labeled in part "Calypso Grated Frozen Fresh Coconut—Fresh Coconut with all nature's goodness left in ready to use—Convenient Foods Company, Atlanta, Ga."

(c) 25 cases, each containing 10 5-lb. pkgs., labeled in part "Tropic Isle Brand Frozen Fresh Grated Coconut—Convenient Foods Company, Atlanta, Ga."

(d) 23 cases, each containing 10 5-lb. pkgs., labeled in part "Frosty Acres Fresh Frozen Grated Coconut—Packed For The Frozen Food Forum, Inc., Atlanta, Ga."

(e) 48 cases, each containing 12 6-oz. pkgs. labeled in part "Frosty Acres Fresh Frozen Grated Coconut—Packed For The Frozen Food Forum, Inc., Atlanta, Ga."

It was alleged further that the above stocks of frozen coconut which were intended to be shipped in interstate commerce constituted a menace to interstate commerce because they had been prepared, packed, and held under insanitary conditions whereby they may have been contaminated with filth; that the defendants were well aware that their activities were in violation of the Act; and that, despite the warnings conveyed to the defendants, they had continued to introduce into interstate commerce such food which was adulterated as specified above.

DISPOSITION: On 12-27-61, a temporary restraining order was entered enjoining the defendants against the acts complained of. On 1-2-62, the defendants having consented, the court entered a decree of temporary injunction. Such decree temporarily enjoined and restrained the defendants from doing the following acts:

(a) Introducing or causing to be introduced and delivering or causing to be delivered for introduction into interstate commerce, food consisting of grated coconut, or other similar food which has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth.

(b) Introducing or causing to be introduced and delivering or causing to be delivered for introduction into interstate commerce, the frozen coconut stored to the account of Convenient Foods Co. at a warehouse, 436 Decatur St., S.E., Atlanta, Ga., which coconut was produced at the defendants' plant at 441 Piedmont Ave., N.E., Atlanta, Ga., and consisting of the various cases of frozen grated coconut enumerated in the complaint.

(c) Causing any food after its shipment in interstate commerce, to be held or processed at defendants' plant at 441 Piedmont Ave., N.E., Atlanta, Ga., under insanitary conditions whereby such food may become contaminated with filth.

(d) Introducing or causing to be introduced and delivering or causing to be delivered for introduction into interstate commerce, any food, which is being or has been prepared, packed, and held at defendants' plant at 441 Piedmont Ave., N.E., Atlanta, Ga., unless and until:

(i) The plant is thoroughly cleaned and rendered suitable for use in connection with the preparation, packing, and holding of food for human consumption, to wit, unless and until all rodent and insect filth is removed from said plant, and the equipment used in the preparation, packing, and storing of said food is cleaned and made suitable for use in the preparation, packing, and storage of food for human consumption, including adequate coverings for containers; all rodent and insect infestation in said plant is eliminated; adequate toilet, soap, and other facilities are provided for employees; the

means of ingress and egress by rodents and insects are eliminated, and the conditions which serve as focal points of bacterial contamination are eliminated; and any similar insanitary conditions which may result in the contamination of food for human consumption while prepared, packed, and held are eliminated.

(ii) All of the food on hand at said plant at 441 Piedmont Ave., N.E., Atlanta, Ga., at the time said plant is cleaned and rendered suitable for the preparation, packing and storage of food for human consumption is destroyed, denatured for use as animal feed, or cleaned, segregated, or otherwise reconditioned under the supervision of duly authorized representative of the Food and Drug Administration, Department of Health, Education, and Welfare, and all expenses of such supervision are paid by the defendants.

(iii) An inspection is made of the plant at 441 Piedmont Ave., N.E., Atlanta, Ga., by a duly authorized representative of the Food and Drug Administration, Department of Health, Education, and Welfare, and a report made to the court which shows that the above-described or any similar insanitary condition no longer exists, and that the food for human consumption described in subparagraph (ii) above has been destroyed, denatured, or brought into compliance with the law, as provided by such subparagraph (ii).

On 8-1-62, it appeared to the court that the defendants had discontinued the processing of food within the jurisdiction of the Northern District of Georgia, and the United States, and the court ordered that the injunction be dissolved and that the complaint be dismissed.

28683. Chestnuts. (F.D.C. No. 46901. S. No. 27-200 T.)

QUANTITY: 29 55-lb. bags, at Wichita, Kans.

SHIPPED: 10-30-61, from New York, N.Y.

LIBELED: On or about 2-13-62, Dist. Kans.

CHARGE: 402(a)(3)—while held for sale, the article contained insects and decomposed chestnuts.

DISPOSITION: 3-30-62. Default—destruction.

28684. Shelled peanuts. (F.D.C. No. 48097. S. No. 81-440 T.)

QUANTITY: 36 100-lb. bags at Philadelphia, Pa.

SHIPPED: 4-20-62, from Severn, N.C.

LIBELED: 9-14-62, E. Dist. Pa.

CHARGE: 402(a)(3)—contained insects and insect larvae while held for sale.

DISPOSITION: 10-10-62. Consent—claimed by Crescent Nut & Chocolate Co., Philadelphia, Pa. Segregated; 40 lbs. destroyed.

28685. Shelled peanuts and shelled filberts. (F.D.C. No. 48349. S. Nos. 21-747/8 V.)

QUANTITY: 92 60-lb. bags of peanuts and 239 5-lb. boxes of filberts, at Denver, Colo., in possession of Bankers Warehouse.

SHIPPED: Between 4-20-62 and 9-14-62, from Kansas City, Mo., and Salem, Oreg.

LIBELED: 11-5-62, Dist. Colo.